

Revision: HCFA-AT-82-29 (BPP)
December 1982

State Pennsylvania

Citation
42 CFR 433.36(c)
AT-78-90
47 FR 43644

4.17 Liens and Recoveries

Liens are imposed against an individual's property.

☒ No.

☐ Yes.

- (a) Liens are imposed against an individual's property before his or her death because of Medicaid claims paid or to be paid on behalf of that individual following a court judgement which determined that benefits were incorrectly paid for that individual.

☐ Item (a) is not applicable. No such lien is imposed.

☐ Item (a) applies only to an individual's real property;

☐ Item (a) applies only to an individual's personal property; or

☐ Item (a) applies to both an individual's real and personal property.

- (b) Liens are placed against the real property of an individual before his or her death because of Medicaid claims paid or to be paid for that individual in accordance with 42 CFR 433.36(g) (1) and (g) (2).

☐ Item (b) is not applicable. No such lien is imposed.

TN # 83-2
Supersedes
TN # 80-27

Approval Date 4/25/83

Effective Date 1/1/83

Refer to: R3-DMD (44)

FEB 10 1994

Karen F. Snider, Secretary
Department of Public Welfare
P.O. Box 2675
Harrisburg, Pennsylvania 17105-2675

Dear Ms. Snider:

This is to inform you that we have reviewed your request for a waiver to delay the implementation of the Medical Assistance Estate Recovery Program and find it approvable.

According to Section 13612(d)(1)(B) of the Omnibus Reconciliation Act of 1993 (OBRA '93), states may waive the effective date of the mandated estate recovery provisions if state legislation is required to implement the program. Your state plan shall not be regarded as failing to comply with these requirements before the first day of the first calendar quarter beginning after the close of the first regular session of your legislature that begins after the date of the enactment of OBRA '93, August 10, 1993. In the case of a state which has a two year legislative session, each year is deemed to be a separate regular session of the State Legislature.

In a telephone conversation with a member of your staff from the Office of Chief Counsel, my staff confirmed that your State Legislature has a two year legislative session. Your General Assembly convened in January, 1993, and is scheduled to adjourn on November 30, 1994. Therefore, the first separate regular session of your State Legislature to convene after the date of enactment began in January 1994 and will close on November 30, 1994. To comply with the mandated estate recovery provisions, you are required to implement the Medical Assistance Estate Recovery Program on January 1, 1995, the first day of the first calendar quarter after the close of the first regular legislative session after the enactment of OBRA '93.

If you have any questions, please contact Donna Fischer of my staff at (215) 596-1324.

Sincerely,

Diane C. Moskal
Deputy Regional Administrator

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- 4.17 (c) Adjustments or recoveries for Medicaid claims correctly paid are imposed only in accordance with section 433.36(h).
- (d) No money payments under another program are reduced as a means of recovering Medicaid claims incorrectly paid.
- (e) ATTACHMENT 4.17-A --
- (a) Specifies the process for determining that an institutionalized individual cannot reasonably be expected to be discharged from the medical institution and return home. The description of the process meets the requirements of 42 CFR 433.36(d).
- (b) Defines the terms specified in 42 CFR 433.36(e).
- (c) Specifies the criteria by which a son or daughter can establish that he or she has been providing care, as specified under 42 CFR 433.36(f).

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